

April 2010 Minutes

BOROUGH OF PALMYRA LAND USE BOARD April 19, 2010 Meeting Minutes

The meeting was called to order at 7:02 pm by Chairwoman Riener; who read the open public meetings statement into the record as follows; which was followed by the flag salute

OPEN PUBLIC MEETING STATEMENT

Public Notice of this meeting pursuant to the Open Public Meetings Act, has been given by the Board Secretary in the following manner:

- A. Posting written Notice on the Official Bulletin Board at the Palmyra Borough Hall on April 14, 2010.
- B. Mailing written Notice to the Burlington County Times on April 14, 2010; for publication on April 16, 2010.
- C. Notice to All Board Members via email

Roll Call recorded as follows:

Present: Riener, Locke, Gural, Jackson, Beck, Neely and O’Kane,

Absent: Elmes, Stokes, Dunn-Sanders and Norcross

Mr. Brewer swore in Mrs. Tracy Kilmer, Zoning Officer

Chairwoman Riener commented, the Mayor and Council appointed Mr. Stokes to fill Mr. McCleary’s unexpired term and would move on with the agenda and request Mr. Brewer to swear in Mr. Stokes upon his arrival.

Mrs. Kilmer went through her submitted Zoning report and answered questions as they arose. She explained the county health officer stated no screens were needed unless there was a problem with bugs. Mr. Curran offered to order screens which need to be special

ordered; but that there has been no problem with bugs and no complaints received. She also commented the windows don't pose any obstruction to any foot traffic.

#10 in the report addresses the current ordinance for trucks which states two or three axles can not be parked in a residential zone. She commented that she would like the board to consider removing the three or more axles and replacing it by gross weight for more than 2,000lbs.

Vice Chair Locke questioned if they need to have commercial tags on the trucks.

Mayor Gural commented back to trucks he agrees with Mrs. Kilmer that the issue needs to be addressed along with school buses.

Ms. Jackson questioned the Mayor; you can't park trucks in the driveway?

#11 in the report addresses storage containers. Mrs. Kilmer commented on the increasing number of pods in the Borough. She then informed the board the ordinance states they have to be registered but does not indicate a specific amount of time.

Mayor Gural commented the Park Tavern was cited because he never registered.

Mrs. Kilmer drew their attention to the number of those at Roger Wilco and the current ordinance reads as long as they are registered.

The board had a lengthy conversation with lots of questions concerning the registration and length of time storage trailers and pods should or should not be allowed. No determination was made to make any type of formal request to council but will discuss again.

Chairwoman Riener agreed pods need to be addressed.

Mrs. Kilmer commented the storage containers come under Borough Council but that she just wanted the board to take a look and be familiar with it.

#13 in the report concerns driveways and the new ordinance parking on hard surface. Mrs. Kilmer reiterated the ordinance to the board and requested Mr. Brian McCleary, Public Works Superintendent to explain the "new" guidelines from DEP. Mr. McCleary explained the guidelines commenting they're looking for as little as possible coverage, for storm water runoff and suggested the board look to Mrs. Kevin Beccica for an interpretation. Mr. McCleary

also commented there is a planned tax down the line; a specific tax per sq. footage of impervious coverage.

Mr. McCleary was thanked for his appearance and a serious debate ensued as to what is considered hard surface and what was not. A copy of the ordinance was handed to the board members.

Vice Chair Locke commented that she thought the stone driveways were acceptable and that she didn't remember the ordinance being written quite that way.

Mr. O'Kane questioned "if we enforce this how much impervious coverage are we adding to the town?"

Ms. Jackson commented that this is the way we did it.

Mayor Gural questioned if it's contradictory to the 50% of the property/lot coverage.

Chairwoman Riener commented that curb cuts she thought constituted a driveway; to which Mayor Gural commented he agreed 100%.

Mr. Brewer discussed pre-existing non conforming use and commented the way certain things are done doesn't mean they are grandfathered in. A conversation about grandfathering ensued.

Mrs. Kilmer commented a resident told her there was at least 200 properties with stone driveways.

Mayor Gural questioned about the people who have already complied and suggested Mrs. Kilmer "hold off" on the enforcement.

Mr. Brewer stated Mrs. Kilmer should not be holding off on the enforcement as written. Mayor Gural questioned why and if any member of the board remembered why the board chose hard surface coverage. He commented stone could be added to the ordinance.

Mrs. Kilmer commented she thought there would be a maintenance issue with stone.

Chairwoman Riener suggested Mrs. Kilmer contact Mrs. Beccica and ask for any comparable ordinances.

Vice Chair Locke commented again that she remembers no front yard parking but not the stone driveways.

Chairwoman Riener moved on and questioned yard signs and advertising on front lawns.

Mrs. Kilmer informed them that if they are between the curb and the sidewalk "I take them"

Mayor Gural stated political signs can not be prohibited.

The discussion turned to #14 of the report and the request of Mr. Ingram for the use of his property at 115 E. 5th street which was before the board previously. His request was for Pilates classes, seminars, workshops for women and spiritual well being classes, baby showers and corporate meetings.

Mr. Brewer stated it falls within the general office use most of the concern is with parking.

Ms. Jackson commented baby showers would actually be a rental use along with bridal showers and bachelor parties it wouldn't be the same use.

Mr. Stokes arrived at 7:29 pm and Chairwoman Riener requested the board cease the discussion so that Mr. Stokes could be sworn in as an official member of the board.

Mr. Brewer swore Mr. Stokes in as an official member of the board.

Chairwoman Riener asked for an update on the Kobolak application.

Mrs. Kilmer replied she doesn't have an update as of yet and that he is on the docket for a court appearance for the 26th of this month.

Mr. Brewer reminded the board they are a passive entity, they can not go out fine and punish. He then commented approval was based upon satisfying conditions. He is in violation technically of the zoning. Resolution should be and can be written so there is a time limit for a clearer enforcement for Mrs. Kilmer.

Mr. Brewer suggested waiting for all conditions to be satisfied prior to voting on the resolution. On Kobolak we voted to approve.

Mrs. Kilmer commented that when he first came it was on good faith and then the "sewer thing" came up. The Judge can do more than just impose a fine. She then commented she

hadn't received anything from Mr. Brewer or Mr. Denton stating everything has been completed.

Mr. Neely suggested a final inspection as a requirement before memorializing.

Mr. Brewer stated the key is not to give preapproval before the resolution and memorializing; no approval until they do what the board says they have 30 days to complete.

Mayor Gural commented that Mr. Kobolak came to Borough council to complain about his new sewer bill from \$500 to \$26,000 and the sewer commission took another look and he is using the equivalent of 60 residential properties; but not paying that that amount of 60 residents.

Vice Chairwoman Locke commented that was his fault for not looking into it prior to changing it to a Laundromat.

Mayor Gural commented that the Council passed the ordinance changed after he was approved for the Laundromat. He then commented on Gemini Linen and stated the fees are suppose to be based on financial correlation

Ms. Jackson commented the fees are substantially different if charged by usage and that he is still getting away relatively cheap.

Chairwoman Riener questioned Mrs. Kilmer about Adams on Market Street and requested an update.

Mrs. Kilmer replied he is also on the docket for court on the 26th along with Mrs. Morris the owner of 2 Memorial Avenue who has retained an attorney.

Chairwoman Riener also questioned if the Keystone building was vacant.

Chairwoman Riener asked for a motion to approve the January reorganization minutes.

Ms. Jackson moved a motion to approve the January 19, 2010 reorganization minutes as submitted

Mr. Beck seconded

A unanimous voice vote was recorded approving the motion

Chairwoman Riener requested a motion to approve the professional vouchers submitted for approval and then questioned why Ghuman keeps appearing on the Land Engineering vouchers.

Vice Chair Locke moved a motion to approve the professional vouchers submitted by Mr. Brewer for approval; excluding the Land Engineering vouchers dated January 31, 2010; February 28, 2010 and March 28, 2010 citing the numerous site inspections.

Mayor Gural seconded

A unanimous voice vote was recorded approving the motion

Mayor Gural brought up the outside eating ordinance and spoke about a conversation he had with a former Palmyra resident who commented on a confrontation which occurred out front of Curran's at the grand opening, where a smoker made comments to school age children. He commented he subsequently had a discussion with the owner and they have an extensive security system and the owner had made the decision to have smoking in the back of the building only prior to opening. Council didn't feel they could support the ordinance because they had not considered those types of issues.

Chairwoman Riener stated the board also had quality of life issues when they wanted to put smoking out back previously.

Mayor Gural commented there are some who feel this shouldn't deter the board from considering the ordinance.

Chairwoman Riener questioned Mr. Brewer stating that Council wasn't going to entertain the ordinance even if the board brings it forth and how to go about it.

Mr. Brewer suggested the board go ahead and review the proposed ordinance and send back the board suggestions. The board sends thoughts to Council if it's consistent with the Master Plan or not along with any other thoughts; any inconsistencies is the Land Use Board's job. He suggested having Mr. Gerkens attend the next meeting for findings and any other issues with the Master Plan.

Chairwoman Riener asked the secretary to contact Mr. Gerkens requesting he attend the next meeting.

Mayor Gural informed the board Mr. Salvina, Esq. out of Marlton is suing the Borough because he tripped and fell on our sidewalks; we need to consider that also with the ordinance.

Mr. Beck commented we have the Park Tavern, The Mill, the south side of Rt. #73, Crown Chicken, Great Taste, and the Deli and we'll need to look at those places that don't have the town center designation. The south side of Rt. #73 will want outside seating. The EDC is pushing them to come before the board for outdoor eating.

Chairwoman Riener commented the businesses can't even keep their trash and debris under control.

Mayor Gural commented the EDC wants to make it car blanching for everyone.

Mr. Stokes commented that Collingswood actually made their sidewalks bigger to give them the space for outdoor eating; and Riverside was told they have the space to do the same.

Chairwoman Riener commented that from 2:10 pm to 3:10 pm the Borough is a walking school district.

Mr. O'Kane commented if they came before the board individually the board would have more control and be more restrictive.

Mayor Gural suggested giving the businesses the opportunity to come before the board.

Ms. Jackson commented you can't stop people from eating where they want to eat.

Mr. Stokes commented there's no smoking because it's still against the law.

Mr. Neely commented he didn't really think the down town area was eating friendly environment with all the cars and bicycles.

Mr. Brewer commented it is a higher jurisdiction not subject to your site plan rules but it is purely advisory and they are obligated to appear before the board.

Chairwoman Riener asked the secretary to invite the EDC to the next meeting.

Vice Chair Locke moved a motion to open the meeting to the public

Mr. Beck seconded

Unanimous approving voice vote was recorded

No public to comment

Vice Chair Locke moved a motion to close the meeting to the public

Mr. Beck seconded

Unanimous approving voice vote was recorded

No Council or EDC update reports

Vice Chair Locke moved to adjourn

Mr. Beck seconded

Unanimous approving voice vote was recorded

Meeting adjourned at 8:18 pm

Respectfully submitted,

Pamela Scott-Forman

LUB Secretary